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6 UNITED STATES DISTRICT COURT

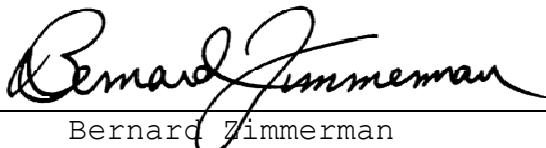
7 NORTHERN DISTRICT OF CALIFORNIA

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GREG SUTTERFIELD,)
Derivatively on behalf of)
MICROMUSE, INC.) No. C04-0893 BZ
Plaintiff)
v.) **ORDER DENYING STATE
LLOYD CARNEY, et al.,) DERIVATIVE PLAINTIFFS'
Defendant(s).) MOTION TO INTERVENE**

Before me is the motion of state derivative plaintiffs Peter Stropera, Kushal Khan and David Rosenbaum to intervene in this federal derivative action.¹ At the hearing on September 7, 2004, all parties agreed that no further briefing is necessary. For the reasons stated at the hearing, **IT IS HEREBY ORDERED** that state derivative plaintiffs' motion is **DENIED**.

Dated: September 8, 2005



Bernard Zimmerman
United States Magistrate Judge

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All parties consented to my jurisdiction pursuant to U.S.C. § 636(c).